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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.			
Date of Deposit:	11/24/04	Name of Person Making the Deposit:	Shannon Carmo
		Signature of the Person Making the Deposit:	<i>Shannon Carmo</i>

In re Application of: FANG et, al.

Serial No.: 10/661,720

Examiner: HUYNH, Andy

Filed: 09/11/2003

Art Unit: 2818

Conf #: 8251

For: A FLASH MEMORY CELL DRAIN AND SOURCE FABRICATION SYSTEM AND METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

1. Transmitted herewith is an amendment for this application

Transmitted herewith is a response to an office action/Restriction Requirement for the above  
..... ☒ identified patent application.

(.....2..... sheets)

..... Transmitted herewith are ..... sheets of substitute formal drawings.

..... Other:

2. Applicant is other than a small entity

**Extension of Term**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) [ ] Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
[ ] one month	\$110.00
[ ] two months	\$410.00
[ ] three months	\$930.00
[ ] four months	\$1,450.00

**Fee \$ 0.00**

If an additional extension of time is required, please consider this a petition therefor.

- (b) [ X ] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**Fee Calculation**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

<b>(for other than a small entity)</b>					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	20	- 20 =	0	x \$18.00	\$0.00
Independent Claims	3	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$260.00	\$0.00
<b>Total Fees</b>					<b>\$0.00</b>

**PAYMENT OF FEES**

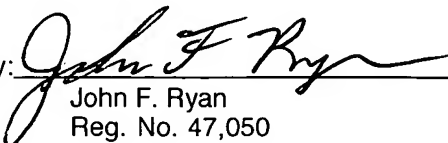
5. The full fee due in connection with this communication is provided as follows:
- [x] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
- [ ] A check in the amount of \$0.00

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No.: 45592

Respectfully submitted,

Date: November 24, 2004

By:   
John F. Ryan  
Reg. No. 47,050



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Fang et al.	)	Examiner: Huynh, Andy
	)	
Serial No.: 10/661,720	)	Art Unit: 2818
	)	
Filed: September 11, 2003	)	
	)	
For: A FLASH MEMORY CELL DRAIN	)	
AND SOURCE FABRICATION	)	
SYSTEM AND METHOD	)	
_____	)	

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Dear Sir:

In the Office Action mailed October 28, 2004 the Examiner has stated that the present Application contains two distinct inventions. As such, the Examiner has required Applicants to elect a single invention for prosecution on the merits. Specifically, the Examiner has required Applicants to elect between the invention as recited in Claims 1-7, the invention as recited in Claims 8 –14 and the invention as recited in Claims 15 –20. The present Office Action alleges the inventions I, II and III have acquired a separate status in the art as show by their different classification and separate examination would be required.

ELECTION WITHOUT TRAVERSE BETWEEN  
GROUPS I, II AND III


Applicants elect without traverse the Invention as recited in Claims 8 - 14.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO

Date: 11/24/04

  
John F Ryan  
Reg. No.: 47,050

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San Jose, California 95113  
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